

REMARKS

Claims 1-38 were pending in the application. Claim 2 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1, 7-10, 15, 21-24, 29 and 35-38 were rejected under 35 U.S.C. §102(b) as being anticipated by Miller. Claims 2-6, 11-14, 16-20, 25-28 and 30-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miller as applied to claims 1, 15 and 29, and further in view of Ebsen et al. Claims 1, 2, 15 and 29 have been amended. Reconsideration and reexamination of the application in view of the amendments and following remarks is respectfully requested.

Claim 2 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, claim 2 was rejected because the structural cooperative relationships between "a processor programmed" in claim 1 and "a processor further programmed" in claim 2 was omitted.

Applicants thank the Examiner for identifying this discrepancy. Claim 2 has been amended to recite "the processor further programmed for . . ." to make it clear that the processor recited in claim 2 is the same as the processor recited in claim 1, which also provides antecedent basis for the processor recited in claim 2. Accordingly, the problem of claim 2 was not a lack of structural cooperative relationships, but rather a lack of proper antecedent basis. With the amendment to claim 2, it is respectfully submitted that the rejection of claim 2 under 35 U.S.C. §112, second paragraph, as being indefinite has been overcome.

Claims 1, 7-10, 15, 21-24, 29 and 35-38 were rejected under 35 U.S.C. §102(b) as being anticipated by Miller. Claims 1, 15 and 29 have been amended. With the amendments to claims 1, 15 and 29, it is respectfully submitted that this rejection has been overcome.

Claims 1, 15 and 29 have been amended to recite "performing a write test by writing test code into *multiple blocks* in the less vital region" and "verifying test status and data *of each block to simulate an actual update to the vital region.*" Support for these amendments can be found at page 5, lines 15-19 of the specification.

Miller fails to disclose, teach or suggest "performing a write test by writing test code into multiple blocks in the less vital region" and "verifying test status and data of each block to simulate an actual update to the vital region" as recited in amended claims 1, 15 and 29. In fact, Miller expresses no concern at all regarding simulating the actual update of a vital region.

Miller only discloses the copying of a first region containing the boot code to another region such as a second region, in the process overwriting the contents of the second region. (See col. 5 lines 44-48 of Miller.) Copying the first region is necessary to save the boot code in case the subsequent updating of the first region is corrupted. After a successful update of the first region is confirmed, Miller requires that the second region be updated with new or restored data. (See col. 7 lines 9-16 of Miller.) Miller therefore teaches away from "performing a write test by writing test code into multiple blocks in the less vital region," because such additional copying steps into multiple blocks would not be necessary to save the boot code, and because these overwritten multiple blocks would have to be restored or updated with new data.

Because Miller does not disclose all of the limitations of amended claims 1, 15 and 29, it is respectfully submitted that the rejection of claims 1, 15 and 29 under 35 U.S.C. §102(b) as being anticipated by Miller has been overcome. In addition, because claims 7-10 depend from claim 1, claims 21-24 depend from claim 15, and claims 35-38 depend from claim 29, it is respectfully submitted that the rejection of claims 7-10, 21-24 and 35-38 have been overcome for the same reasons provided above with respect to claims 1, 15 and 29.

Claims 2-6, 11-14, 16-20, 25-28 and 30-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miller as applied to claims 1, 15 and 29, and further in view of Ebsen. Claims 2-6 and 11-14 depend from amended claim 1, claims 16-20 and 25-28 depend from amended claim 15, and claims 30-34 depend from amended claim 29. With the previously discussed amendments to claims 1, 15 and 29, it is respectfully submitted that this rejection has been overcome.

As noted above, Miller fails to disclose, teach or suggest "performing a write test by writing test code into multiple blocks in the less vital region" and "verifying test status and data of

each block to simulate an actual update to the vital region" as recited in amended claims 1, 15 and 29. Furthermore, Ebsen fails to make up for the deficiencies of Miller. Ebsen contains is completely silent as to performing a write test by writing test code into multiple blocks in the less vital region, and verifying test status and data of each block to simulate an actual update to the vital region.

Because neither Miller nor Ebsen, alone or in combination, discloses, teaches or suggests all of the limitations of amended claims 1, 15 and 29, and because claims 2-6 and 11-14 depend from amended claim 1, claims 16-20 and 25-28 depend from amended claim 15, and claims 30-34 depend from amended claim 29, it is respectfully submitted that the rejection of claims 2-6, 11-14, 16-20, 25-28 and 30-34 under 35 U.S.C. §103(a) as being unpatentable over Miller as applied to claims 1, 15 and 29, and further in view of Ebsen, has been overcome.


In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5752 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 491442002000.

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Respectfully submitted,

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